

REMARKS

Claims 1, 3-5, 7, 9-13, 16-24, and 26-29 are pending in the application, claims 2, 6, 8, 14, 15, 25, 30 and 31 being canceled herein. Claims 1, 11, 17, 19, and 21 are the only independent claims.

Claims Rejections - 35 U.S.C. §§ 102 and 103

Claims 1, 2, 6, 7, 9, 10, 14, 15, 17-21, and 25-29 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,066,090 to Yoon.

Claims 8 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoon in view of U.S. Patent No. 5,630,782 to Adair.

Claim 1 In response to the rejection of claim 1 under 35 U.S.C. § 102(b), applicant amended claim 1 herein to incorporate the limitations of claims 2 and 6, which have been canceled. Claim 1 is now equivalent to former claim 6 rewritten in independent form to include all of the limitations of the base claim (claim 1) and any intervening claim (claim 2). Applicant respectfully traverses the rejection of claim 6 under 35 U.S.C. § 102(b) and maintains that claim 1 as amended herein distinguishes over the prior art and particularly over Yoon.

As set forth in amended claim 1, a flexible endoscope comprises an insertion member having a distal end portion split longitudinally into a plurality of independently operable working segments each provided with at least one longitudinally extending working channel and further comprises an additional segment containing illumination and image transmission components, the additional segment being the only segment provided with illumination and image transmission components.

Applicant's invention as set forth in amended claim 1 is directed to an endoscopic instrument particularly for use in flexible endoscopic surgery in a lumen of the digestive tract. Such surgery requires great concentration and precision. The endoscopists'

attention is necessarily directed to a very precisely delimited surgical site. It is best that endoscopists undertaking such surgery view only one video image during the operation. The endoscopists cannot afford to have their attention diverted by multiple images from different angles. Moreover, in the cramped quarters of a natural lumen such as the colon it would not be practical in most situations to obtain multiple images from significantly different points of view.

In contrast, a central object of the Yoon patent is to provide a method and instrument assembly whereby different views, from substantially different angles, may be made available to the medical personnel. This capability of separate views is an essential object of Yoon's invention.

This capability would be useless if not detrimental in the type of surgery contemplated by applicant. Accordingly, applicant's invention as set forth in amended claim 1 wherein of multiple working segments of a flexible endoscope, only one segment contains illumination and imaging components. That segment is optionally steerable.

One of ordinary skill in the art would not find the invention of applicant's amended claim 1 to be anticipated by or obvious from Yoon's disclosure inasmuch as carrying out applicant's invention would vitiate or destroy Yoon's objective.

Claim 11 Claim 11 has been rewritten into independent form pursuant to the Examiner's indication of allowable subject matter.

Claim 17 Applicant respectfully traverses the Examiner's rejection of claim 17 (made independent herein) and maintains that claim 17 sets forth subject matter that is patentable over the known prior art and particularly over the teachings of Yoon.

As set forth in claim 17, a flexible endoscope comprising an insertion member having a distal end portion split longitudinally into a plurality of independently operable working segments each provided with at least one longitudinally extending working channel, wherein the working segments are operatively connected to respective control

heads disposed at a proximal end of the insertion member, the working segments being independently movable in response to operation of the respective control heads.

Yoon discloses an endoscope with exactly one control head (25 in Figure 1, 116 in Figure 7. There is nothing in Yoon which suggests having more than one control head or handpiece.

Claim 19 Applicant respectfully traverses the rejection of claim 19 (now independent) and contends that claim 19 distinguishes over the prior art and particularly over Yoon.

As set forth in claim 19, a flexible endoscope comprising an insertion member having a distal end portion split longitudinally into a plurality of independently operable working segments each provided with at least one longitudinally extending working channel, wherein at least one of the working segments is longitudinally displaceable relative to another of the working segments.

Yoon describes endoscope branches that are independently steerable and refers the actuators for controlling distal tip orientation. Yoon says nothing that would motivate one of ordinary skill in the art to provide at least one working endoscope segment or branch that is longitudinally displaceable relative to another working segment.

Claim 21 Method claim 21 has been amended herein to recite the step, from claim 25 (now canceled), that the maneuvering of the separated working segments includes actuating respective control heads located at a proximal end of the endoscope. Claim 21 is patentable for the reasons discussed above with reference to claim 17.

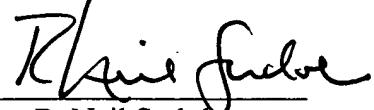
Conclusion

For the foregoing reasons, independent claims 1, 11, 17, 19, and 21, as well as the claims dependent therefrom, are deemed to be in condition for allowance. An early Notice to that effect is earnestly solicited.

Should the Examiner believe that direct contact with applicant's attorney would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the number below.

Respectfully submitted,

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